

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**DOUGLAS PENNINGTON,**

Civil No. 07-1816-ST

Plaintiff,

O R D E R

v.

**COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

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Attorney for Plaintiff

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KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 29, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2nd 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation dated July 29, 2010 (#33) in its entirety.

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IT IS HEREBY ORDERED that Plaintiff's Motion for Approval of Attorney Fees pursuant to 42 USC § 406(b) (#29) is granted in the sum of \$11,897.00. When issuing the § 406(b) check, the agency is directed to subtract the amount previously awarded under EAJA and send to plaintiff's attorney the balance of \$7,047.00.

DATED this 31<sup>st</sup> day of August, 2010.

/s/ Garr M. King

GARR M. KING  
United States District Judge